IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

Crl.Rev.Pet.No. 488 of 2000(A)

AGAINST THE ORDER DATED 31/05/2000 IN CRA.151/1997 OF SESSIONS COURT, KASARAGOD IN CC.289/96 JUDL.MAGISTRATE OF FIRSTCLASS-I, HOSDRUG.

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REVN. PETITIONER: APPELLANT/ACCUSED

KAIKKALAN
S/O.KAVERI, MACHIPPALLI
PANATHADY VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT.

BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR

RESPONDENT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURTOF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 23/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.488 of 2000

Dated this the 23rd day of February, 2007

ORDER

Revision petitioner stands convicted for the offence under 55(g) of the Abkari Act and sentenced to undergo R.I. for six months and to pay fine of Rs.25,000/- and in default to undergo R.I. for six months. The same was confirmed by the appellate court. It is the contention of the revision petitioner that the appellate order is not a considered one in view of the fact that his counsel was not present and as no arguments could not be advanced. The same is mentioned in the judgment also. Further the appellate judgment did not contain any consideration of the grounds advanced in the appeal memorandum and has just confirmed the order of the trial court. The same appears to be true on a perusal of the judgment. In the circumstances, I find that it only just and proper to remit the matter back to the Sessions court. The court below is directed to hear the revision petitioner/appellant and dispose of the matter on merits. Return the records to Sessions Court, Kasaragod. Revision petitioner

shall appear before the Sessions Court, Kasaragod on 26.3.2007.

The Criminal Revision Petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.899 of 2001

ORDER

15th February, 2007